

INITIAL STATEMENT OF REASONS

Section 978.20 “Definitions of Terms Used to Identify Assault Weapons”

Specific Purpose of the Regulation

Penal Code (PC) section 12276.1 identifies restricted assault weapons based on specific characteristics or features. California Code of Regulations (CCR) section 978.20 of Title 11 currently defines five of the terms used in Penal Code section 12276.1 PC . The proposed amendment will define a sixth term, “capacity to accept a detachable magazine”, as meaning “capable of accommodating a detachable magazine, but shall not be construed to include a firearm that has been permanently altered so that it cannot accommodate a detachable magazine.”

Necessity

It has come to the Department’s attention that many gun enthusiasts and firearm dealers in California have misconstrued the term “capacity to accept a detachable magazine” as used in PC section 12276.1. Amending the current regulation by defining “capacity to accept a detachable magazine” as used in PC section 12276.1 will facilitate the accurate identification of statutorily restricted assault weapons by law enforcement and the public. The proposed definition will add clarity to the existing statutes but will not change or affect their current application and enforcement. As noted below under “Technical, Theoretical, and/or Empirical Study, Reports, or Documents Relied Upon”, the proposed definition is derived virtually word for word from the statutory definition of the very similar term "capacity to accept more than 10 rounds." Therefore, it should be abundantly clear that the proposed definition is completely consistent with the original intent of the California legislature.

Technical, Theoretical, and/or Empirical Study, Reports, or Documents Relied Upon

The Department relied upon the existing PC section 12276.1(d)(2) definition of "capacity to accept more than 10 rounds" as the model for the proposed definition of “capacity to accept a detachable magazine.” Pursuant to PC section 12276.1(d)(2), "capacity to accept more than 10 rounds" is defined as “capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.”

Reasonable Alternatives to the Regulation and the Agency’s Reasons for Rejecting Them

No other reasonable alternatives were presented to or considered by the Department.

Reasonable Alternatives to the Proposed Regulatory Action That Would Lessen Any Adverse Impact on Small Businesses and the Agency's Reasons for Rejecting Them

The Department finds that the proposed amendment to the current regulation would not have an adverse impact on small businesses and no reasonable alternatives were presented or considered.

Evidence Supporting Finding of No Significant Adverse Economic Impact on Any Business

The Department's determination that the proposed amendment will have no significant adverse economic impact on any business is based on the fact that the proposed amendment simply defines a term used in PC section 12276.1 but does not place any additional cost burden on businesses nor their customers.